

No. 20-55770

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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TIMOTHY ROBBINS, et al.,  
Respondents-Appellants,

v.

ALEJANDRO RODRIGUEZ, et al.,  
Petitioners-Appellees.

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On Appeal from the United States District Court, Central District of California  
No. CV 07-3239-TJH (RNB)

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**JOINT MOTION FOR 90 DAY EXTENSION TO FILE PETITION FOR  
PANEL REHEARING OR REHEARING EN BANC**

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The parties respectfully request that this Court extend the deadline to file the Petition for Panel Rehearing or Rehearing En Banc (PFR/EB) by 90 days to afford the parties time to explore settlement negotiations. The Court granted the parties' five prior requests for an extension of the PFR/EB deadline.

The Memorandum in this Case was issued on October 19, 2021 (ECF 30). At the parties' request, this Court has granted five extensions of the deadline to file a PFR/EB (ECF 32, 35, 37, 39, 41). The current due date for the PFR/EB is February 27, 2023. The parties respectfully request that the due date be extended by 90 days to May 30, 2023.<sup>1</sup>

Good cause exists for this request. As previously disclosed to this Court, the parties agreed to mediate this matter under the supervision of a federal magistrate judge. The parties have attended multiple mediation sessions with the magistrate, most recently on December 20, 2022. During this time period, the parties have also met and conferred by phone and written correspondence, including by exchanging written settlement proposals. The parties' negotiations remain ongoing; another mediation with the magistrate is scheduled for February 24, 2023.

Given the important interests at stake and the complexity of the issues for consideration, the parties require additional time to determine whether a settlement

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<sup>1</sup> 90 days from February 27, 2023 is May 28, 2023, which is a Sunday. The following day (Monday, May 29, 2023) is Memorial Day, a federal holiday.

can be reached. A potential settlement may resolve all, or parts, of Petitioners' claims, including to the relief at issue in this appeal. As such, the parties agree that judicial economy would be best served by continuing to engage in settlement negotiations.

For the foregoing reasons, the parties respectfully request that the deadline to file the Petition for Panel Rehearing or Rehearing En Banc be extended by 90 days. The parties will notify the Court if any additional extensions are warranted because settlement discussions are ongoing.

Respectfully submitted,

Dated: February 9, 2023

s/ Michael Kaufman  
MICHAEL KAUFMAN  
Counsel for Petitioners-Appellees

Dated: February 9, 2023

s/ Sarah Wilson (with permission)  
SARAH WILSON  
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